

To the Members of the California State Assembly:

I am returning Assembly Bill 195 without my signature.

This bill incorrectly presumes there is an unequal status between the parties in terms of expertise and resources in bringing actions before the State Personnel Board. This is simply not true since a significant majority of state employees who file appeals with the State Personnel Board are represented by their union or excluded employee organization.

The bill shifts a major burden of litigation onto the State because it only allows for recovery by successful Plaintiffs and does not allow the State to recover its costs and attorneys fees in the event the complaint is determined to be without merit. The bill is duplicative because federal law and state law, under FEHA, already allow for the awarding of attorney's fees and costs in discrimination actions.

Sincerely,

Arnold Schwarzenegger